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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,924	10/02/2000	Shy Cohen	204863	3782
23460	7590	01/29/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			NGUYEN, HAI V	
ART UNIT	PAPER NUMBER			
2142	3			
DATE MAILED: 01/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

PRL

Office Action Summary	Application	Applicant(s)
	09/676,924	COHEN, SHY
	Examiner	Art Unit
	Hai V. Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 October 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 20-23 is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

1. This Office Action is in response to the application filed on 02 October 2000.
2. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bendinelli et al. U.S. patent no. 6,631,416 B2.

5. As to claim 1, Bendinelli, Methods And Systems For Enabling A Tunnel Between Two Computers On A Network, substantially teaches the invention as claimed, including a method of bi-directionally communicating between an application residing on a first processor (Fig. 6A-B, item 650) on a private computer network and an application residing on a second processor (Fig. 6A-B, item 651) not on the private computer network, the communication path including a public computer network (Fig. 6A-B, item 620) and a proxy server (Fig. 6A-B, item 610 or the additional processor) coupled to the private computer network and separating the private computer network from the public computer network, the method comprising:

establishing a first communication channel between the first processor and the second processor through the proxy server to allow the transfer of first messages from the first processor to the second processor, and the delivery of first message delivery acknowledgments from the second processor to the first processor (*The additional processor may receive information indicating consent on behalf of the first processor for enabling a tunnel between the first processor and the second processor and information indicating consent on behalf of the second processor for enabling a tunnel between the second processor and the first processor, col. 3, line 63 – col. 4, line 15; col. 5, lines 16-42*); and

- establishing a second communication channel between the first processor and the second processor through the proxy server to allow the transfer of second messages from the second processor to the first processor, and the delivery of second message delivery acknowledgments from the first processor to the second processor (*The additional processor may receive information indicating consent on behalf of the first processor for enabling a tunnel between the first processor and the second processor and information indicating consent on behalf of the second processor for enabling a tunnel between the second processor and the first processor, col. 3, line 63 – col. 4, line 15; col. 5, lines 16-42*).

6. As to claim 2, Bendinelli teaches, wherein the establishing of a first communication channel comprises transmitting a first HTTP-based "request" to the second processor via the proxy server, the first "request" including at least one of the first messages therein (*Before the first gateway 650 sends a packet with an encrypted*

payload through a tunnel to the second gateway 651, the virtual device adapter may add the virtual addresses of the second gateway 651 and the first gateway 650 to the packet (col. 21, lines 48-64)).

7. As to claim 3, Bendinelli teaches, wherein the establishing of a second communication channel comprises transmitting a second HTTP-based "request" to the second processor via the proxy server to be parked at the second processor, the second "request" establishing a persistent HTTP connection between the first processor and the second processor through the proxy server (*The virtual device adapter within the second gateway 651 may recognize the virtual IP addresses, receive the packet with the virtual IP addresses (i.e., source and destination virtual addresses), and forward the packet to the second gateway 651 for additional processing such as authenticating and/or decoding to the encrypted payload of the packet (col. 21, line 65 – col. 22, line 7)).*

8. As to claim 4, Bendinelli teaches, further comprising receiving an HTTP-based "reply" from the second processor on the second communication channel, the HTTP based "reply" including at least one of the second messages therein (Fig. 10B, items 10580, 10740; col. 57, line 5- col. 58, line 17).

9. As to claim 5, Bendinelli teaches, further comprising transmitting a third HTTP based "request" (Fig. 10B, item 10760) to the second processor via the proxy server in response to receiving the HTTP-based "reply", the third HTTP-based "request" containing an acknowledgment for the HTTP-based "reply" and further establishing a

persistent HTTP connection (VPN connection) between the first processor and the second processor through the proxy server (col. 58, line 26 – col. 59, line 65).

10. As to claim 6, Bendinelli teaches, wherein the first processor only receives an HTTP based "reply" from the second processor on the second communication channel when the second processor has at least one of the second messages to send to the first processor (the first gateway (After the controller 614 determines that two gateways have mutually consented to enabling a tunnel, the administrative server 615 may add each gateway to the partner lists of the other consenting gateway and forward the respective partner lists to each of the gateway, col. 36, lines 14-22)).

11. As to claim 7, Bendinelli teaches, wherein the second HTTP-based "request" includes therein a request that the second processor transmit a reply after the expiration of a time period even if there are no second messages so that the first processor can assess a status of the connection thereto (col. 46, line 36 – col. 18; col. 59, lines 23-65).

12. As to claim 8, Bendinelli teaches, further comprising setting the time period to be less than two days (col. 46, line 36 – col. 18; col. 59, lines 48-65).

13. As to claim 9, Bendinelli teaches, further comprising setting the time period to be approximately five minutes (col. 46, line 36 – col. 18; col. 59, lines 48-65).

14. As to claim 10, Bendinelli teaches, further comprising dynamically adjusting the time period based upon a connection time out closure controlled by the proxy server (col. 46, line 36 – col. 18; col. 59, lines 48-65).

15. As to claim 11, Bendinelli teaches, wherein the dynamically adjusting of the time period comprises: receiving a connection time out closure message from the proxy

server; determining a first time between transmitting the second HTTP-based "request" and receiving a connection time out closure message from the proxy server; and calculating a new time period to be less than the first time and less than the time period (col. 46, line 36 – col. 18; col. 59, lines 48-65).

16. Claim 12 corresponds to the computer readable medium claim of claim 1; therefore it rejected under the same rationale as claim 1.

17. As to claim 13, Bendinelli teaches a method of enabling transmission of unsolicited messages from a server to a client, the client residing on a private computer network having a proxy server between the private computer network and a public computer network, the server transmitting the unsolicited messages over the public computer network (col. 17, line 50 – col. 18, line 9), the method comprising transmitting an HTTP-based request to the server via the proxy server to open a persistent connection therewith, the HTTP-based request requesting a reply from the server only when the server has messages to send to the client (*When a tunnel between the first processor and the second processor is requested from the additional processor, the additional processor may authenticate the request based on the first virtual address and determine a second virtual address that identifies the second processor in the virtual network. After the additional processor authenticates the request and determines that the first and second processors have indicated a mutual consent for enabling one or more tunnels between the first and second processors, the additional processor may provide the second virtual address to the first processor to enable the requested tunnel between the first and second processor (col. 6, lines 25-43)).*

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18. Claim 14 has similar limitations of claim 7; therefore, it is rejected under the same rationale as in claim 7.

19. Claim 15 has similar limitations of claim 10; therefore, it is rejected under the same rationale as in claim 10.

20. Claim 16 has similar limitations of claim 11; therefore, it is rejected under the same rationale as in claim 11.

21. Claim 17 has similar limitations of claims 11, 3, 7; therefore, it is rejected under the same rationale as in claims 11, 3, 7.

22. Claim 18 has similar limitations of claims 11, 5; therefore, it is rejected under the same rationale as in claims 11, 5.

23. Claim 19 corresponds to the computer readable medium claim of claim 13; therefore it rejected under the same rationale as claim 13.

24. Claims 20-23 are allowable subject matter.

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24. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142

